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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,419	06/25/2007	Paul Stanley Brison	154/1	8579
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Andrew W. Chu, PC P. O. Box 2925 Houston, TX 77252-2925			EXAMINER ALEMU, EPHREM	
			ART UNIT 2821	PAPER NUMBER
			NOTIFICATION DATE 09/16/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/599,419	Applicant(s) BRISON, PAUL STANLEY	
	Examiner EPHREM ALEMU	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 41-66 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 41-66 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims **58** and **66** are objected to because of the following informalities:

In claim 58, line 7, replace “the controller” with --the power controller-- for proper antecedent basis.

In claim 66, line 2, replace “the temperature” with --a temperature-- to correct lack antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **41-43, 53, 54, 56, 58, 59, 60, 63, 65** and **66** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasternak (6,990,394) in view of Mier-Langner (US 7,024,119).

Re claims 41, Pasternak discloses a power controller comprising: a casing (i.e., light fixture 130, 140) (Figs. 2, 4); a control unit (i.e., lamp controller 134, 144) disposed within the casing being configurable to any of a plurality of modes of operation (i.e., dependent mode of operation, independent mode of operation, or combination mode of operation) to control power delivery to a light (lamp 132, 142) and being responsive to a stimulus (i.e., any one of signals received from remote controller 122, 143, photosensor 147, motion sensor 145 or switch 138) to configure to a selected mode of operation determined by the stimulus, the control unit being

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arranged to receive control signals wirelessly conveyed thereto from a remote unit located outside the casing (i.e., control signals received from remote controller 122, 143 or any one of signals received from photosensor, motion sensor different than the above stimulus signal) and to control the power delivery according to the control signals wherein the response of the control unit to control signals differs according to the mode of operation (i.e., dependent, independent or combination mode of operations) determined by the stimulus (Col. 3, lines 12-13, 26-29, 45-52, 53-67), and a temperature sensor for determining the operation of the lamp beyond the predetermined range and to alarm and/or control the light accordingly (Col. 15, lines 13-39).

Although, Pasternak discloses the control unit further being responsive to the stimulus to configure to a programming mode in which the control unit is responsive to the control signals (i.e., command signals) to be programmed (i.e., to be configured) thereby (Col. 3, lines 26-29); Pasternak does not specifically mention the control unit being responsive to the stimulus to configure to a programming mode in which the control unit is responsive to the control signals to be programmed thereby *to respond in a predetermined way to a predetermined operation of the remote unit.*

In the same field of endeavor, Mier-Langner discloses a power controller (i.e., an addressable light fixture 10) comprising a control unit (track or lamp control module 20) being responsive to a stimulus (i.e., signal transmitted by laser transmitter 18) to configure to a programming mode (Col. 3, lines 34-42, “....which activates the light fixture module and allows the module to be programmed...”) in which the control unit is responsive to control signals (i.e., command signals transmitted by infrared (IR) signal transmitter 17) to be programmed thereby to

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respond in a predetermined way to a predetermined operation of the remote unit (corresponds to selecting the control module and setting a lamp to a desired setting, Col. 3, lines 34-67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the control unit of Pasternak power controller to be responsive to the stimulus to configure to a programming mode in which the control unit is responsive to the control signals to be programmed thereby to respond in a predetermined way to a predetermined operation of the remote unit as taught by Mier-Langner for at least selectively address and communicate with the control unit.

Re claim 42, Pasternak discloses in the programming mode, the control unit is responsive to the control signals to be programmed to respond to a predetermined way subsequent wireless stimuli to configure to a new mode of operation (Col. 3, lines 45-50, "...lamp controller 134 may be configured via the remote controller 122 to control the lamp 132 in a predetermined manner (based on time and day, actuation of a switch, etc...)").

Re claim 43, Pasternak further discloses the control unit is responsive to the stimulus to configure from a deactivated mode to an activated mode or vice versa , and wherein when the control unit is in said activated mode, the control unit is responsive to said control signals to controllably deliver power to the light, and when the control unit is in said deactivated mode, the control unit does not deliver power to the light (Fig. 4; Col. 4, lines 1-8, "...to operate the lamp in response to weather there is motion detected...").

Re claim 53, Although, Pasternak is silent about the control signals transmitted wirelessly being any of Infra-red (IR) light; microwaves; and radio waves, Mier-Langner the control signals being conveyed to the control unit using any of: Infra-red (IR) light; microwaves; and radio

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waves (Col. 3, lines 43-47). Therefore, given Pasternak modified by Mier-Langner power controller, the control signals being conveyed to the control unit using any of: Infra-red (IR) light; microwaves; and radio waves would have been deemed to be obvious for at least allowing communication between the infrared (IR) transceiver and remote controller since as taught by Mier-Langner.

Re claim 54, Pasternak further discloses the control unit being configurable to a mode of operation in which it is responsive to said control signals to change the amount of electrical power delivered to the light in use to controllably vary the radiant output of the light (Col. 3, lines 53-67, "...on/off/dim/brighten/flash) the lamp 142 in response to signals received not only from the remote controller...").

Re claim 56, Pasternak does not specifically show a power connection means arranged to provide connection to the light from the power controller. Mier-Langner further discloses a power source connector means (lamp (22) connector, Fig. 2) arranged to connect to the power source from which the light receives power in use such that the power from the power source passes through the power controller before reaching the light, wherein the power controller is arranged to control the delivery of power from the power controller to the light.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Pasternak modified by Mier-Langner power controller by providing power source connector means to provide connection to the light from the power controller as taught by Mier-Langner for the purpose of providing connection to the light.

Re claims 58, 59, 60, 63, 65 and 66, Pasternak modified by Mier-Langner power controller discloses the power controller structural limitation as discussed above.

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It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. Ex parte Pfeiffer, 1962 C.D. 408 (1961). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide required methods of controlling power delivery to a light as claimed in claims 58, 59, 60, 63, 65 and 66.

4. Claims **51, 52, 55** and **64**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasternak (6,990,394) in view of Mier-Langner (US 7,024,119) further in view of Andersen (US 6,731,079).

Re claims 51, 52, 55 and 64, Although, discloses photo-sensor means for determining the level of ambient illumination, and for configuring the control unit to a mode of operation according to the ambient illumination level so determined (see photosensor 147 in Fig. 4 of Pasternak; sensor 25 of Mier-Langner). Pasternak or Mier-Langner does not disclose the casing being transparent and the photo-sensor means being within the casing and/or the casing being weather proof suitable for outdoor use.

In the same field of endeavor, Anderson discloses a power controller (control module 60) comprising a casing, wherein the casing is suitable for outdoor use and the casing being transparent for providing wireless communication with a hand held controller (Figs. 2-4; Col. 1, lines 11-15; Col. 5, lines 16-18 & 38-42); a control unit (70), a photo-sensor means (i.e., sensor 66, IR transceiver 82) located within the casing for determining the level of ambient illumination outside the casing, and for configuring the control unit to a mode of operation according to the determined ambient illumination level (Col. 5, lines 16-25 & 38-42).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the casing of Pasternak modified by Mier-Langner further modified by Andersen power controller by providing the photosensor or motion sensor to be included within the casing as taught by Anderson for at least receiving wirelessly conveyed control signals for controlling power provided to the light based on wirelessly received stimulus.

Re claim 64, Pasternak modified by Mier-Langner further modified by Andersen power controller discloses the power controller structural limitation as discussed above.

It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. Ex parte Pfeiffer, 1962 C.D. 408 (1961). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide required methods of controlling power delivery to a light as claimed in claim 64.

5. Claims **44-50**, **61** and **62** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasternak (6,990,394) in view of Mier-Langner (US 7,024,119), as applied to claims 1 and 32 above, and further in view of Goff (US 5,869,934).

Re claim 44, Pasternak modified by Mier-Langner discloses the power controller as discussed above.

Pasternak or Mier-Langner does not disclose the control unit includes a magnetic detector means and the stimulus being a magnetic field strength in response to which the magnetic detector means is operable to generate a configure signal, wherein the control unit is responsive to the configure signal to configure to a mode of operation determined by the configure signal.

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Goff discloses a magnetic detector means (i.e., reed switch 41) operable to generate a configure signal to a control unit (46) in response to a magnetic field strength stimulus received from a magnet (29), wherein the control unit being responsive to the configure signal to configure to a mode of operation of a light (15) determined by the configure signal generated by the magnetic detector means (Figs. 1, 5, Col. 3, lines 18-48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Pasternak modified by Mier-Langner power controller to include a magnetic detector means as taught by Goff for the control unit to be responsive to a configure signal to configure to a mode of operation determined by the configure signal generated by the magnetic detector means for at least controlling the mode of operation of a light as taught by Goff.

Re claim 45, given Pasternak modified by Mier-Langner further modified by Goff power controller including a stimulus means remote from the control unit and outside said casing and including a magnetic field means for providing a magnetic field of sufficient strength to be remotely detectable by the magnetic detector deemed to be obvious since for the control unit being responsive to the configure signal to configure to a mode of operation determined by the configure signal generated by the magnetic detector means responsive to the magnetic field strength stimulus as taught by Goff for at least controlling the mode of operation of a light from remote location based on the magnetic stimulus.

Re claims 46 and 47, the control unit of Pasternak modified by Mier-Langner further modified by Goff power controller being configurable to a selected mode of operation according to any of: the duration of a given configure signal; the number of a succession of configure

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signals; the rate of receipt of successive configure signals thereby; the magnitude of a given configure signal would have been deemed to be obvious for at least controlling the mode of operation of a light based on magnetic field stimulus as taught by Goff.

Re claims 48 and 49, the magnetic field means of Pasternak modified by Mier-Langner further modified by Goff power controller being a permanent magnet would have been deemed to be obvious for at least controlling the mode of operation of a light based on magnetic field stimulus as taught by Goff since Goff further discloses the magnetic field means being a permanent magnet (29) (Fig. 9; Col. 5, line 3).

Re claim 50, the magnetic detector means of Pasternak modified by Mier-Langner further modified by Goff power controller including a sensor means including any of: a reed switch; a Hall-Effect switch, a magnetic relay switch; an inductor coil, and the magnetic detector is responsive to said stimulus using the sensor means would have been deemed to be obvious for at least controlling the mode of operation of a light based on magnetic field stimulus as taught by Goff since Goff further discloses the magnetic detector means includes a sensor means including any of: a reed switch; a Hall-Effect switch, a magnetic relay switch; an inductor coil, and the magnetic detector is responsive to said stimulus using the sensor means (Fig. 9; Col. 5, line 21).

Re claims **61** and **62**, Pasternak modified by Mier-Langner further modified by Goff power controller discloses the power controller structural limitation as discussed above.

It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. Ex parte Pfeiffer, 1962 C.D. 408 (1961). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was

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made to provide required methods of controlling power delivery to a light as claimed in claims 61 and 62.

6. Claim **57** is rejected under 35 U.S.C. 103(a) as being unpatentable over Pasternak (6,990,394) in view of Mier-Langner (US 7,024,119), as applied to claim 56, and further in view of Denes (US 2003/0184242).

Re claim 57, Pasternak modified by Mier-Langner discloses the power controller.

Pasternak or Mier-Langner does not show the casing including a plurality of prongs extending outwardly thereof and shaped to be intimately received within a reciprocally shaped socket means of the power source connector means such that the casing is detachably attachable to the power source connector means therewith, the prongs being operably connected to the control unit to convey power from the power source to the light via the control unit when the casing is attached to the power source connector means in use.

Denes discloses a casing (11) including male socket (13) to be intimately received within a reciprocally shaped socket means 20 of a power source connector means such that the casing being detachably attachable to the power source connector means therewith, the male socket being operably connected to a control unit (18) to convey power from the power source to the light via the control unit when the casing is attached to the power source connector means in use. Further, Denes teaches the sockets may be of any suitable type other than threaded (Figs. 1, 2, 4, 5; paragraphs [0072] to [0074]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the casing of Pasternak modified by Mier-Langner power controller by providing prongs extending outwardly thereof and shaped to be intimately received

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within a reciprocally shaped socket means of the power source connector means as taught by Denes for housing the components of the power controller for at least providing a housing for the power controller for controlling power delivery to a light.

Response to Arguments

7. Applicant's arguments with respect to original claims 1-15 and 32-40 have been considered but are moot in view of the new grounds of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chapuis (US 7,372,682) discloses system and method for managing fault in a power system.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ephrem Alemu whose telephone number is (571) 272-1818. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacob Y Choi can be reached on (571) 272-2367. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EA
9/10/2011

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